

CHAPTER NO. 871

SENATE BILL NO. 3086

By Burks

Substituted for: House Bill No. 3326

By Sherry Jones

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6 and Title 71, Chapter 5, Part 6, relative to victims of abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-602(b), is amended by deleting the current language in its entirety and by substituting instead the following:

(b) Any petition filed by an unemancipated person under eighteen (18) years of age shall be signed by one (1) of that person's parents or by that person's guardian. Such petition may also be signed by a caseworker at a not-for-profit organization which receives funds pursuant to Title 71, Chapter 6, Part 2 for family violence and child abuse prevention and shelters; provided, however, that a petition signed by such a caseworker may not be filed against such unemancipated minor's parent or legal guardian. In such case, unless the court finds that such action would create a threat of serious harm to the minor, a copy of the petition, notice of hearing and any ex parte order of protection shall also be served on the parents of the minor child, or if the parents are not living together and jointly caring for the child, upon the primary residential parent. In cases before the juvenile court where the Department of Children's Services is a party or where a guardian ad litem has been appointed for the child by the juvenile court, the petition may be filed on behalf of the unemancipated person by the department or the guardian ad litem.

SECTION 2. Tennessee Code Annotated, Section 36-3-605(c), is amended by inserting the following language at the end of subsection (c):

(c) In every case, unless the court finds that such action would create a threat of serious harm to the minor, when a petitioner is under eighteen (18) years of age, a copy of the petition, notice of hearing and any ex parte order of protection shall also be served on the parents of the minor child, or in the event that the parents are not living together and jointly caring for the child, upon the primary residential parent pursuant to the requirements of this section.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 23, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2006


PHIL BREDESEN, GOVERNOR